

REMARKS

Upon entry of this Response, claim 6 will be amended. No new matter has been added. Support for the change to claim 6 may be found, for example, in FIG. 6 of the as-filed application (illustrating adjusted “positions” on a display 600). Entry of this amendment is respectfully requested to place the claim in condition for allowance and/or in better form for Appeal.

Claims 1, 2, 5, 11, and 12 are rejected under 35 USC 103 as being unpatentable over US Patent No. 6,098,065 (“Skillen”) in view of US Publication NO. 2007/0022010 (“Blaser”).

Claim 1 recites “locally determining at a user device contextual information associated with remote information being accessed by a user.” By way of example, an advertising application 114 executing at a user device 110 (*e.g.*, a user’s personal computer) might determine that a user has provided a query to a remote search engine (*e.g.*, specification at page 8, lines 11 to 23). Claim 1 further recites “locally determining ... advertising information based on (i) the determined contextual information, and (ii) supplemental information associated with the user.” By way of example only, the supplemental information might indicate whether or not that user has purchased a particular product in the past.

Applicants respectfully suggest that none of the references, taken alone or in combination, disclose or suggest locally determining advertising information based on contextual information and supplemental information associated with a user.

Skillen discloses that an advertising machine 30 (including a contextual database 46, product database 42, and user profile database 48) at an access provider equipment site 32 may determine contextual information (Skillen at FIG. 2 and col. 5, lines 18 to 28).¹ That is, the contextual information is not determined at the end user device 12 (as might be the case in the method of claim 1 of the present application). Nor is an advertisement selected at the end user device 12 based on both contextual information and supplemental information associated with the user.

¹ FIG. 1 of Skillen similarly discloses that contextual information is determined remote from (and not local to) an end user device 12. That is, the determination is made on the other side of the communications link 14.

Blaser discloses a local device 100, such as a user's PC that looks for inappropriate ("invalid") words in a web page being viewed by the user. If no inappropriate words are found, the local device 100 displays an advertisement to the user ([0141] and [0142]). Blaser, however, does not disclose that the local device 100 selects an advertisement for a user based on contextual information and supplemental information associated with the user.

Because none of the references disclose or suggest "locally determining ... advertising information based on (i) the determined contextual information and (ii) supplemental information associated with the user," reconsideration of this rejection is respectfully requested.

In addition, in rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. Applicants respectfully suggest that the Examiner has not provided a reasonable motivation to modify Skillen and/or Blaser in such a way as to result in the invention as recited in the claims. According to the Office Action:

It would have been obvious to one of ordinary skill ... to modify Skillen to include determining advertising information locally, as disclosed in Blaser, because it would advantageously enable the measurement of completion of that content being displayed on a user's computer screen.

Office Action at page 3, third complete paragraph. Applicants respectfully disagree and suggest that these references in no way suggest modifying any system to produce a method as recited in claim 1. As best understood by Applicants, the Office Action merely points a benefit that may be provided by the present invention. Because there is no teaching or suggestion to modify the references in the particular way recited in claim 1, a *prima facie* case of obviousness has not been established.

Applicants further respectfully disagree that "all of the elements of the cited references perform the same function when combined as they do in the prior art" as stated in the Final Office Action. For example, locally determining "advertising information based on (i) the determined contextual information and (ii) supplemental information associated with the user" may provide benefits that are not found in the prior art. Consider, for example, a user who is not comfortable having "supplemental information" stored at and/or evaluated by a remote server.

In this case, none of the references would be able to use such information to select advertisements for the user.

Claim 6 has been amended to clarify the fact that the screen “position” locally determined for an advertisement refers to its position on a display screen (and not merely a priority indicating whether or not the advertisement should be displayed on top of – or below – other information). Applicants respectfully suggest that none of the references disclose locally determining such a position and reconsideration of the rejection of claim 6 is also respectfully requested.

CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-0191.

Respectfully submitted,

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Date

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